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The safety of journalists and the issue of impunity

Report of the Secretary-General

Summary

In its resolution 68/163 on the safety of journalists and the issue of impunity, the General Assembly requested the Secretary-General to submit to the Assembly, at its sixty-ninth session, a report on the implementation of the resolution. The present report is submitted pursuant to that request. The report gives an overview of recent trends with regard to the safety of journalists and media workers, as well as of initiatives undertaken to ensure their protection, and includes conclusions and recommendations.

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I. Introduction

1. On 18 December 2013, the General Assembly adopted its first resolution on the safety of journalists and the issue of impunity (resolution 68/163), in which the Assembly condemned all attacks and violence against journalists and media workers and proclaimed 2 November as the International Day to End Impunity for Crimes against Journalists. The Assembly also urged Member States to do their utmost to prevent violence against journalists and media workers, ensure accountability, bring to justice perpetrators of crimes against journalists and media workers, and ensure that victims have access to appropriate remedies. It further called upon States to promote a safe and enabling environment for journalists to perform their work independently and without undue interference.

2. In the same resolution, the General Assembly requested the Secretary-General to report to it, at its sixth-ninth session, on the implementation of the resolution. The present report is submitted pursuant to that request. The report gives an overview of recent trends with regard to the safety of journalists and media workers, as well as of initiatives undertaken to ensure their protection, and includes conclusions and recommendations. The report is based on submissions received in response to a note verbale dated 14 March 2014 and request for information addressed by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to Member States and civil society organizations,[1] as well as on information gathered from public sources. A request was also sent to United Nations agencies, departments, funds and programmes. The report has benefited considerably from contributions received from the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Office on Drugs and Crime (UNODC).

II. Situation and trends with regard to the safety of journalists and media workers

3. Independent and critical journalism is vital in any democratic society. It drives the right to hold and express opinions and the right to seek, impart and receive information and ideas, as defined in article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights. It contributes to ensuring transparency and accountability in the conduct of public affairs and other matters of public interest, and it enables individuals to participate fully, actively and meaningfully in all aspects of society (see A/HRC/27/35, paras. 5 and 25). Journalists and media workers are the watchdogs that help in holding governments, businesses and others to account. It is precisely because of this role, however, that journalists and media workers often, and increasingly, have become

[1] Responses were received from the following States: Argentina, Austria, Azerbaijan, Burkina Faso, Colombia, Czech Republic, Greece, Guatemala, Honduras, Luxembourg, Mexico, Norway, Paraguay, Poland, Romania, Russian Federation, Sudan, Trinidad and Tobago, Tunisia and Uzbekistan. Responses were also received from the following non-governmental and other organizations: Amnesty International, Belarusian Association of Journalists, Committee to Protect Journalists, Fondation Hirondelle, Global Network for Rights and Development, Human Rights House Foundation, Institute for Reporters' Freedom and Safety, International Committee of the Red Cross, Reporters Without Borders, Maarij Foundation for Peace and Development, SOS Droits de l'Homme et Démocratie, Press Emblem Campaign and Guatemalan Human Rights Defenders Unit (UDEFEGUA).

the target of harassment, intimidation and violence. Such attacks include threats to journalists and their families, expulsion, unlawful or arbitrary arrest and detention, abduction, torture, sexual violence and murder. The purpose is often to silence journalists and media workers who investigate, document and report on sensitive issues, such as human rights violations, environmental degradation, corruption, organized crime, drug trafficking, public crises, emergencies or public demonstrations (see A/HRC/20/17, para. 51; and A/HRC/24/23, para. 3. Both State and non-State actors commit attacks on journalists and media workers, and such attacks are committed both in and outside the context of armed conflicts (see A/HRC/24/23, paras. 3 and 6). They are not only an attack on the individuals concerned, but also on freedom of expression and democracy.

4. The digital age has vastly increased the opportunities for the dissemination of information and ideas. New and creative forms of journalism and media have consequently emerged. In the preamble to resolution 68/163, the General Assembly captured this trend by acknowledging that journalism is continuously evolving to include inputs from media institutions, private individuals and a range of organizations that seek, receive and impart information and ideas of all kinds, online as well as offline, in the exercise of freedom of opinion and expression, thereby contributing to shape public debate. The Human Rights Committee, in its general comment No. 34, defined journalism as "a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere" (see CCPR/C/GC/34, para. 44; see also A/HRC/20/17, paras. 4 and 5; A/HRC/20/22, para. 26; and A/HRC/24/23, para. 9). Technological developments, however, have also brought new challenges, such as illegal surveillance and interference in the personal and professional lives and activities of journalists, the blocking of websites that contain information critical of the authorities, and the arbitrary arrest and detention of online journalists and bloggers (see A/HRC/24/23, para. 9). In this regard, the High Commissioner for Human Rights pointed out that all individuals were entitled to the full protection of their human rights, whether the State recognized them as 'journalists' or not; whether they were professional reporters or 'citizen journalists'; whether or not they had a degree in journalism; whether they reported online or offline(see A/HRC/27/35, para. 9).

5. UNESCO monitors press freedom globally and keeps statistics of fatal attacks on journalists. In 1997, at its twenty-ninth session, the General Conference of UNESCO adopted resolution 29, in which it condemned violence against journalists and called on its Member States to uphold their obligation to prevent, investigate and punish crimes against journalists. Since then, the Director-General of UNESCO issues a public condemnation when a "journalist, media worker, or social media producer who generates a significant amount of public-interest journalism" is killed, and calls on the country concerned to inform UNESCO, on a voluntary basis, of the status of the judicial inquiry into the killing.[2] This information is compiled into the biennial report by the Director-General on the safety of journalists and the danger of impunity.[3] The UNESCO *World Trends in Freedom of Expression and Media*

[2] The Director-General issued 92 public condemnations in 2013 and 44 in the first six months of 2014.

[3] For the most recent report, see: www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/unescos-director-general-report/.

Development report[4] includes an analysis of information gathered between 2007 and 2012.

6. The *World Trends* report shows an upward trend in the number of journalists killed: nearly 30 per cent of the 430 killings that were condemned in the period between 2007 and 2012 occurred in 2012. Politically motivated killings are endemic, and at least 75 per cent of the journalists whose killings were condemned by the UNESCO Director-General in 2010 and 2011 appear to have been murdered. Print journalists experienced the most casualties (176), followed by television (100) and radio (87) journalists. In 2012, the ratio shifted towards Internet publishing, as a result of the increase in the number of deaths of "citizen journalists" and the fact that many journalists cross-publish on multiple platforms. "Citizen journalists" have become a target alongside their professional counterparts. From a geographical perspective, the report shows that among journalists killed, print journalists tend to outnumber those working in other media in all regions, with the exception of Africa, where radio journalists constitute the highest proportion of journalists killed, and the Arab region, where online journalists were the majority of those killed in 2012. Another constant trend has been that local journalists covering local stories make up a substantial part of those killed. A final trend to highlight is the increased number of journalists, media workers and social media producers being detained.[5]

7. Civil society organizations also track attacks against journalists. The statistics vary as each organization uses different definitions of "journalist" and "killed in the line of duty". However, the overall trends are similar. For example, in 2013, the Committee to Protect Journalists, documented 70 journalists killed in relation to their work (for which the motive was considered confirmed), just four fewer than documented in 2012. Most of those killed in 2013 covered politics (67 per cent), war (51 per cent) or human rights (46 per cent). Nearly half (44 per cent) worked online.[6] According to the Committee, a total of 1,059 journalists have been killed in relation to their work since 1992, of which at least 19 were killed in the first six months of 2014. The Committee also reported that 456 journalists have been exiled since 2008 and that the detention of journalists has been at historic highs, with 2012 and 2013 representing the worst years for journalists since the organization started to keep records. Most of the 211 imprisoned journalists in 2013 were convicted of anti-State charges (e.g., subversion or terrorism), although the charges were often not revealed. Just over half of them worked online. This trend seems to indicate a disturbing expansion of countries' use of detention to silence critical voices, especially online. Other organizations report similar figures. Reporters Without Borders counted 43 journalists, "netizens" and "citizen journalists" killed in the first half of 2014 (129 in 2013) and 357 imprisoned.[7] The International Federation of Journalists reported 39 journalists and media staff killed in the first six months of

[4] UNESCO, *World Trends in Freedom of Expression and Media Development* (Paris, 2014), available from www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/world-trends-in-freedom-of-expression-and-media-development/; "*World Trends* report" hereafter.

[5] Ibid., executive summary, and introduction. See also the *UNODC Global Study on Homicide 2013 — Trends, Contexts, Data* (United Nations publication, Sales No. 14.IV.1).

[6] Submission received from the Committee to Protect Journalists. See also www.cpj.org.

[7] See www.rsf.org.

2014 (123 in 2013),[8] and the Press Emblem Campaign counted 58 journalists killed in the first half of 2014 (129 in 2013).[9]

8. While most available numbers relate to killings, journalists and media workers also suffer from other violations, such as harassment, intimidation and violence. One example is legal harassment, where journalists are often tried on false grounds of espionage, subversion, threat to national security or terrorism. The criminalization and prosecution of slander, libel and defamation have also frequently been used to silence critical journalists. The inappropriate use of such laws has resulted in journalists and media workers serving long prison sentences, paying heavy fines or having their media licences suspended (see A/HRC/24/23, para. 8). The Special Rapporteur on the promotion and protection of the freedom of opinion and expression has repeatedly called on States to decriminalize defamation and eliminate all forms of censorship (see A/HRC/20/17, para. 105; and A/HRC/27/35, para. 17).

9. With respect to thorough and impartial investigations into killings or attacks against journalists and bringing the perpetrators to justice, impunity remains the dominant trend. Time and again impunity been recognized as the biggest obstacle to ensuring the safety of journalists (see A/HRC/27/35; and also A/65/284, para. 28; A/HRC/14/23, para. 94; A/HRC/20/17, para. 65; and A/HRC/24/23, para. 7). The 2014 *World Trends* report suggests that less than one in ten killings of journalists between 2007 and 2012 has led to a conviction. Less than half of the Member States where killings occurred responded to requests by the UNESCO Director-General calling for voluntary information on the status of judicial inquiry into the killings, indicating a lack of commitment to protect journalists effectively. Research from the Committee to Protect Journalists shows that 10 out of the 13 countries that have been on its list of countries where journalist murders are most likely to remain unresolved, have figured on that list each year since 2008. Also, in eight of those countries, new murders took place in 2013.[6] These trends illustrate the challenge of reversing entrenched impunity and highlight that a climate of impunity engenders further violence.

III. Legal framework for the protection of journalists and media workers

10. The OHCHR report on safety of journalists presented to the Human Rights Council in September 2013 (A/HRC/24/23), lays out, in paragraphs 10 to 16, the existing international legal framework for the protection of journalists and media workers, both under international human rights and international humanitarian law. The report clearly recalls the obligation of States to respect and to ensure respect for the human rights of journalists and media workers. It encompasses a positive duty on States to ensure that persons are protected from any acts that would impair the enjoyment of their rights, including by taking effective measures or exercising due diligence to prevent any harm caused by private persons or entities. This obligation to protect is particularly important in relation to threats and attacks against journalists committed by non-State actors.

[8] See www.ifj.org.

[9] See www.pressemblem.ch.

11. The report further recalls that when violations of international human rights law or international humanitarian law have allegedly been committed, States are under an obligation to investigate effectively, promptly, thoroughly, independently and impartially and, if appropriate, prosecute those who are responsible. Furthermore, violations of international human rights law and international humanitarian law give rise to a right of victims to an effective remedy, which includes the right to equal and effective access to justice and adequate, effective and prompt reparation for the harm suffered (ibid., para. 16). Without accountability for violations, human rights and other norms risk becoming empty shells. Accountability is a cornerstone of any society that is based on the rule of law.

12. It is widely agreed that the international legal framework for the protection of journalists and media workers is in place (see A/HRC/27/35, paras. 14, 17, and 31-35). However, States must close the gap that exists between the international and regional standards and the actual implementation of these standards domestically (ibid., para. 54). Awareness and enforcement of existing standards is critical to increase the protection of journalists (see, e.g., A/HRC/20/17, para. 56). The safety of journalists and media workers cannot be realized without a domestic legal and institutional framework that robustly protects freedom of opinion and expression and press freedom at the national level (see A/HRC/27/35, paras. 55-58).

IV. Initiatives undertaken to ensure the safety of journalists

A. Security Council and General Assembly

13. In 2006, the Security Council adopted resolution 1738, in which it condemned attacks against journalists, media professionals and associated personnel in situations of armed conflict, recalling that such persons shall be considered civilians and thus respected and protected as such. By this resolution, the Council decided to address the issue of protection of journalists under the agenda item "protection of civilians in armed conflict".[10] In paragraph 24 of his tenth report on protection of civilians in armed conflict (S/2013/689), the Secretary-General highlighted the killings of journalists in Afghanistan, Iraq and the Syrian Arab Republic. He also underlined that most of the victims were local journalists and media staff, and that journalists were also subject to other forms of violence, including sexual harassment and rape of female journalists. The Secretary-General called on the Security Council to reflect its concerns in relevant resolutions through the inclusion of actions to strengthen the protection of journalists (see also S/2009/277, S/2010/579 and S/2012/376, paras. 14 and 15)).

14. In July 2013, the Security Council held an open debate on the protection of journalists in armed conflict, during which the Deputy Secretary-General stressed that the Council could play an important role by reacting to, and standing up against, the suppression of media freedom wherever and whenever it occurs. He emphasized that protecting free media is a prerequisite for freedom of expression and democracy, and relevant for the pursuit of peace and security, as well as development. In December 2013, under the Arria Formula, the Council also discussed the protection of journalists.

[10] See also country-specific resolutions, e.g., resolutions 1973 (2011) on Libya, 2093 (2013) on Somalia and 2096 (2013) on Afghanistan.

15. The General Assembly has emphasized the need for States to ensure respect for and protection of journalists while working in situations of armed conflict (see, e.g., resolutions 2673 (XXV), 2854 (XXVI) and 3500 (XXX). In December 2013, the Assembly adopted its first resolution on the safety of journalists and the issue of impunity (resolution 68/163).

B. United Nations human rights system

16. On 9 October 2013, the Human Rights Council adopted resolution 21/12, with a specific focus on the safety of journalists.[11] In the resolution, the Council expressed its concern regarding ongoing violations of the right to freedom of opinion and expression, condemned in the strongest terms all attacks and violence against journalists, and stressed the need to ensure greater protection for all media professionals and journalistic sources. The Council also expressed its concern that attacks against journalists often occur with impunity, and called upon States to ensure accountability and to promote a safe and enabling environment for journalists to perform their work independently and without undue interference.

17. Upon the request of the Human Rights Council, OHCHR prepared, in collaboration with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, a compilation of good practices in the protection of journalists, the prevention of attacks committed against journalists and the fight against impunity for such attacks. The report was presented to the Human Rights Council in September 2013, at its twenty-fourth session (A/HRC/24/23), and its findings were examined at a panel discussion held by the Council on 11 June 2014, at its twenty-sixth session (see A/HRC/27/35). Based on inputs received from States, the report formulates good practices in four areas: political commitment; legislative framework; combating impunity; and protection. Both the report and the panel discussion concluded that it is incumbent upon States to learn from these good practices and ensure the safety of journalists through the implementation and enforcement of existing norms and standards (see A/HRC/24/23, paras. 47-73).

18. In its resolution 25/38 on the promotion and protection of human rights in the context of peaceful protests, the Human Rights Council called upon all States to pay particular attention to the safety of journalists and media workers covering peaceful protests, taking into account their specific role, exposure and vulnerability. It recognized the important role played by journalists and other media workers in documenting human rights violations or abuses committed in the context of peaceful protests.

19. The safety of journalists has also been addressed by Human Rights Council-mandated international commissions of inquiry, which are supported by OHCHR.[12]

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[11] The Human Rights Council had earlier already addressed the issue of safety of journalists in the context of the right to freedom of expression and opinion. See resolutions 7/36, 12/16, 16/4, and 19/35. See also Commission on Human Rights resolution 1993/45.

[12] For example, the International Commission of Inquiry on human rights in the Democratic People's Republic of Korea (A/HRC/25/CPR.1, paras. 204-209); the Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/22/59, paras. 46-54, 139, and annex XII, para. 2; A/HRC/24/46, paras. 153-159; A/HRC/25/65, paras. 58 and 122-126); the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya (A/HRC/17/44, paras. 117, 144-154, 248 and 254).

The issue is further of concern to special procedures, who have given it significant attention through their reports, awareness-raising and advocacy related activities, and direct interventions with Governments through the communications procedure. The issue of the safety of journalists has, for example, received considerable attention from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (see, most recently, A/HRC/14/23 and Add.2 and A/HRC/20/17), the Special Rapporteur on extrajudicial, summary or arbitrary executions (see A/HRC/20/22), and the Special Rapporteur on the situation of human rights defenders (see A/HRC/13/22, A/HRC/19/55 and A/HRC/25/55). These Special Rapporteurs have highlighted the detrimental impact of attacks on journalists on the full realization of the human rights on which they are mandated to report and advise. They have made important recommendations aimed at ensuring greater protection for journalists and media workers. The Working Group on Arbitrary Detention[13] and the Working Group on Enforced Disappearance (see, e.g., A/HRC/16/48, para. 441; A/HRC/19/58/Rev.1 (annex I), paras. 159, 160, 335, 444-448, 520 and 549; A/HRC/22/45 and Corr.1, paras. 140-143 and 414) have addressed, through individual or joint communications, cases concerning journalists. Finally, the issue of attacks on journalists and impunity for those attacks has also been dealt with by the Human Rights Committee, notably in its general comment No. 34 on article 19 of the International Covenant on Civil and Political Rights.

C. United Nations agencies, departments, funds and programmes

20. UNESCO has undertaken a number of significant initiatives to strengthen the protection of journalists as part of its mandate to defend freedom of expression and press freedom. It convened two United Nations inter-agency meetings on the safety of journalists and the issue of impunity in Paris (September 2011) and Vienna (November 2012). These meetings brought together United Nations bodies and non-governmental and intergovernmental organizations, independent experts, media groups and professional associations to formulate a strategy to address the safety of journalists and impunity at the global and national levels. The meetings culminated in the adoption of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and its Implementation Strategy 2013-2014. The Plan aims to create a free and safe environment for journalists and media workers, both in conflict and non-conflict situations, and to combat impunity for attacks on journalists. The Plan includes measures such as the establishment of an inter-agency mechanism to strengthen the contribution of each United Nations actor and enhance United Nations-wide coherence; cooperation with Member States to develop legislation and other mechanisms for safeguarding the freedom of expression and information as well as the safety of journalists; and the establishment of partnerships, awareness-raising and fostering initiatives. The Plan of Action will be reviewed during a third inter-agency meeting, to be convened in Strasbourg, France, in November 2014.

21. In order to obtain a more accurate picture of the safety of journalists in a particular country, UNESCO developed the Journalists' Safety Indicators, allowing for a comprehensive assessment and gathering of crucial baseline data on the level

[13] E.g., since 2000, over 20 opinions of the Working Group have addressed allegations of arbitrary detention of journalists.

of safety of journalists and impunity. Such information will guide future policymaking and allow measurement of progress. The tool is being piloted in Guatemala, Honduras and Pakistan.

22. In collaboration with Member States, United Nations system agencies, non-governmental organizations (NGOs), academia and media practitioners, UNESCO started to implement the Plan of Action in four pilot countries: Iraq, Nepal, Pakistan, and South Sudan. In Iraq, a national consultative meeting was scheduled to produce a national plan of action, but the work environment has become too difficult and the implementation has been put on hold. In Nepal, funding was obtained from the United Nations Peace Fund for Nepal to implement the Plan. UNESCO works closely with the Human Rights Commission of Nepal to anchor the process in a locally based entity. Empowering local organizations and encouraging genuine ownership of the process are considered key to the Plan's success and sustainability. The Human Rights Commission of Nepal is to monitor the safety of journalists in the country, provide advice and training to journalists in need and become the focal point for resources related to safety of journalists in the country. Dialogues have been organized with prosecutors, district judges and police officials in six different regions of Nepal to highlight the issue of safety of journalists. In Pakistan, a coalition of local authorities, United Nations system agencies, NGOs and local media, acts as a steering committee to implement the Plan. There have been several awareness-raising campaigns to sensitize the stakeholders on the subject and the Plan. One of the main recommendations of the coalition is the establishment of a special prosecutor's office for investigating all crimes against freedom of expression and journalists in the country. In South Sudan, a national plan of action is being drafted by the Thematic Working Group on Safety of Journalists and the Issue of Impunity, which includes 20 different organizations active in the promotion of safety of journalists in the country (including governmental institutions, United Nations agencies, media groups and academia). Workshops for journalists and civil society, focusing on the monitoring and documentation of press freedom violations, have been conducted together with the Human Rights Division of the United Nations Mission in South Sudan.

23. Parts of the Plan of Action have also been implemented in other countries. In Tunisia, for example, a cooperation programme has been set up with the Ministry of Interior and in partnership with the National Union of Tunisian Journalists and the Tunisian Centre for Freedom of the Press, aimed at training security forces on human rights, freedom of expression and safety of journalists. Several training sessions took place in 2013, bringing together members of the security forces and journalists and helping to create a space for dialogue and better understanding of their respective roles. Jointly with the Tunisian Ministry of Interior, UNESCO developed a set of training manuals aimed at security forces. These manuals include chapters on freedom of expression, international standards, teaching modules and practical solutions to be adopted by security forces in their interaction with journalists. In March 2014, the UNESCO International Programme for the Development of Communication approved 13 projects related to the Plan of Action, including in Burkina Faso, Colombia, the Dominican Republic, Liberia, Mexico, Nigeria, Pakistan, South Sudan, Viet Nam, Zimbabwe and the regions of Central America and Central Asia. The key focus areas for 2014 and beyond include the training of security forces on freedom of expression issues, working with judicial

systems to reduce impunity, and the adoption of international standards for the investigation of crimes against journalists.

24. In November 2013, UNODC launched a new resource tool for Governments and journalists, entitled "Reporting on corruption". The tool covers a wide range of subjects, including the protection of the anonymity of sources, the right of access to information, and the safety of journalists. It offers information and experiences provided by States, and highlights international standards, case-law and recommendations from international experts. Also, the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region implemented four training programmes for journalists from the region, in which the issue of safety of journalists featured prominently. The programmes took place in Lebanon (2011), Libya (2012), Yemen (2013) and Morocco (2014). The training is conducted with UNESCO, the Human Rights Department at Al-Jazeera and the Doha Centre for Media Freedom.

25. Very few studies, especially large-scale ones, have been conducted on the topic of the safety of female journalists. In March 2014, UNESCO, in collaboration with the International News Safety Institute, the International Women's Media Foundation and the Austrian Government, launched the results of a survey, entitled "Violence and harassment against women in the news media: a global picture", in which nearly 1,000 self-identified women journalists took part. The survey will be updated and translated into Arabic and Spanish.

26. UNESCO and other United Nations system agencies and departments are also involved in awareness-raising initiatives regarding the safety of journalists. Since 1993, UNESCO has organized the annual celebration of the World Press Freedom Day on 3 May, commemorating press freedom and freedom of expression, and paying tribute to journalists. An annual World Press Freedom Day conference brings together journalists, editors, experts, academics, students, representatives of international and regional organizations and civil society. In 2013, the conference, held in San José, Costa Rica, was focused on the safety of journalists and the issue of impunity and led to the adoption of the San José Declaration "Safe to speak: securing freedom of expression in all media". In 2014, the conference took place in Paris, on the theme "Media freedom for a better future: shaping the post-2015 development agenda" and a subtheme entitled "Rule of law to ensure safety of journalists and combating impunity". The Paris Declaration was adopted on the right of access to information, independent media, and safety for exercising freedom of expression as essential aspects of development. UNESCO also promotes the organization of local World Press Freedom Day celebrations through its field offices and through other press freedom advocates around the world. More than 100 celebrations take place every year. World Press Freedom Day is increasingly present in social media. In 2013 and 2014, the hashtag #pressfreedom has been worldwide "trending topic" on 3 May. UNESCO also awards the UNESCO/ Guillermo Cano World Press Freedom Prize, honouring a person, organization or institution that has made an outstanding contribution to the defence and/or promotion of press freedom.

27. Finally, UNESCO is coordinating events for the first International Day to End Impunity for Crimes against Journalists, to be held on 2 November 2014. The Day is a joint effort between relevant United Nations system agencies, civil society and media houses. The theme of the first International Day will be the role of lawmakers

and the judicial system in fighting impunity for crimes against journalists. As part of the celebrations, UNESCO will launch an awareness-raising campaign and hold a seminar in Strasbourg, followed by the third United Nations inter-agency meeting on the safety of journalists and the issue of impunity.

D. Regional and other organizations

28. Many governmental and non-governmental organizations and civil society actors have also undertaken important initiatives on the safety of journalists and media workers. Several regional organizations, for example, have contributed to standard-setting and awareness-raising through the adoption of resolutions or guidelines regarding the safety of journalists. In 2002, the African Union adopted the Declaration on Principles on Freedom of Expression in Africa, in which it condemned attacks on media practitioners and others exercising their right to freedom of expression, and reminded States of their responsibilities to ensure the safety of journalists. More recently, the African Commission on Human and Peoples' Rights adopted a number of resolutions on the issue of safety of journalists.[14] In May 2014, the European Union adopted Guidelines on Freedom of Expression Online and Offline, in which it reaffirmed that it attaches the highest priority to the safety of journalists and that it will take all appropriate steps to ensure their protection, both in terms of prevention and by urging effective investigations when violations occur. The safety of journalists has also become an issue of priority at the Council of Europe. In November 2013, it adopted a resolution on the safety of journalists, in which attacks on journalists and impunity for perpetrators were condemned. On 30 April 2014, the Council of Europe Committee of Ministers issued a declaration on the protection of journalism and safety of journalists and other media actors.[15] Regional courts, notably the Inter-American Court on Human Rights and the European Court of Human Rights, have found that attacks on journalists violate the right to freedom of expression and many other rights, and that there are positive obligations on States to protect journalists, as well as to carry out effective investigations into alleged attacks (see A/HRC/24/23, para. 43).

29. Regional organizations have also established specific mechanisms tasked with promoting and protecting freedom of expression, with the safety of journalists as a main concern. In 1997, the Organization of American States established the Office of the Special Rapporteur for Freedom of Expression, which made the safety of journalists a strong focus. In 2013, the Office of the Special Rapporteur published a report entitled *Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and prosecution of perpetrators*.[16] Also, in 1997, the Organization for Security and Cooperation in Europe (OSCE) established the mandate of the Representative on Freedom of the Media to provide early warning on violations of freedom of expression and advocate

[14] See resolution 185 (2011) on the safety of journalists and media practitioners in Africa: www.achpr.org/sessions/49th/resolutions/185/; and resolutions 221 (2012) and 264 (2014) on attacks against journalists and media practitioners in Somalia.

[15] For both texts, see www.coe.int/t/dghl/standardsetting/media/.

[16] Available from www.oas.org/en/iachr/expression/reports/thematic.asp; the report was also published in the Annual Report of the Inter-American Commission on Human Rights 2013 (vol. II): Report of the Office of the Special Rapporteur for Freedom of Expression, chap III.

full compliance with OSCE principles and commitments regarding freedom of expression and media. In 2014, the Office of the Representative issued the second edition of its Safety of Journalists Guidebook, which sets out good practices and recommendations to ensure a media-friendly environment and enhance the safety of journalists. In 2004, the African Commission on Human and Peoples' Rights established the mandate of Special Rapporteur on Freedom of Expression and Access to Information in Africa. These mandate holders have, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, issued several joint declarations on different aspects of the right to freedom of expression, including the safety of journalists and media workers.[17]

30. Regional organizations are also supporting specific projects aimed at increasing the protection of journalists. The European Union currently funds a number of pilot projects in the area of violations of media freedom and pluralism.[18] These projects aim at enhancing practical support mechanisms for journalists, providing legal and practical support to journalists on criminal defamation and building real-time mapping of violations of media freedom. The Council of Europe announced that it will elaborate guidelines for the protection of journalism and the safety of journalists. It established a committee of experts to prepare a recommendation on the protection of journalism and the safety of journalists and other media actors, and it is working on developing early warning and rapid response capacity through an Internet-based platform.[19] The International Organization of la Francophonie considers it one of its priorities to put in place a legal framework that permits the media to exercise its role freely; to that effect, the Organization conducts support missions to its member States (see A/HRC/27/35, para. 44).

31. Since 1985, the International Committee of the Red Cross (ICRC) has operated a hotline for journalists on dangerous assignments, through which journalists, their families and media organizations can request ICRC assistance if a journalist is arrested, wounded, detained, missing, or killed. ICRC also conducts, often in cooperation with other organizations, training on international humanitarian law and first aid for media professionals. In November 2011, the 31st International Conference of the Red Cross and Red Crescent adopted the Four-Year Action Plan for the Implementation of International Humanitarian Law, in which the importance of journalists was reaffirmed and recommendations aimed at the protection of journalists in situations of armed conflict were made. The plan focuses on measures of prevention and sanctions in order to ensure better respect for existing rules (e.g., integration of the protection of journalists in international humanitarian law training of armed forces).

32. Non-governmental organizations and civil society actors also play an important role in documenting violence against journalists, raising awareness, reporting, assisting in the legislative and policy development related to the protection of journalists, training and taking steps to address the violence, including by providing direct assistance.

[17] For an overview, see www.osce.org/fom/66176.

[18] See http://ec.europa.eu/digital-agenda/en/media-freedom-%E2%80%93-pilot-projects.

[19] For further information, see www.coe.int/t/dghl/standardsetting/media/roundtable-en.asp.

E. Member States

33. In response to the note verbale addressed to them by OHCHR, Member States have shared information about a wide range of initiatives undertaken to prevent violence against journalists and media workers, to ensure accountability for such violence, and to promote a safe and enabling environment for journalists to perform their work independently and without undue interference. The overview below also draws from the statements made by States at the Human Rights Council panel discussion on the safety of journalists (see A/HRC/27/35) as well as the OHCHR report on the safety of journalists (A/HRC/24/23).

1. Legislative initiatives

34. Putting in place a legal framework that robustly protects the right to freedom of expression, press freedom and the right to information is critical to ensuring the safety of journalists. Such a framework contributes to an enabling environment in which journalists and media workers can carry out their job freely and without interference. In their contributions, many States noted that freedom of expression and the right to information were protected by their constitutions, laid out the legislative framework in which journalists and media workers operate in their country, and reported recent or upcoming changes in their laws to ensure freedom of expression and freedom of information in accordance with international standards. The express prohibition of censorship, the protection of journalists' sources, and guarantees for media pluralism and diversity were mentioned in the responses. Several States also reported that they had recently decriminalized acts of slander, defamation, contempt or libel (Grenada, Mexico, Montenegro, Republic of Moldova, Russian Federation, Serbia, Trinidad and Tobago, Tunisia and Uruguay).[20]

35. While some States pointed out that their laws apply generally and therefore also provide protection to journalists, other States referred to constitutional and legislative measures intended to address the protection of journalists specifically. For example, Mexico noted that in 2013, it had adopted a decree pursuant to which the federal prosecutor and the federal courts can now prosecute and try crimes that affect or restrict the right to information or freedom of expression. The fact that a crime affects or restricts the right to information or freedom of expression was also made an aggravating circumstance in Mexico, increasing the severity of the sentence. In Colombia, article 73 of the Constitution specifically provides that "journalism will enjoy such protection as necessary to guarantee its freedom and professional independence". The Russian Federation reported that the amendments made in 2011 to its Criminal Code established criminal liability for obstructing the professional activities of journalists by violence or threat of violence. Azerbaijan and Uzbekistan referred to similar provisions in their laws.[21] Romania noted that its law of 2002 on radio and television broadcasting provides that, upon request, public authorities are to ensure the proper protection of journalists and broadcasters in case they experience pressure or threats that could impede on or restrict the free exercise of their profession. The Audiovisual Code in the Republic of Moldova contains a similar provision. Serbia amended its Criminal Code to criminalize threats against

[20] Azerbaijan stated that it had suspended the criminal code provisions on libel and slander and drafted a new defamation bill, which was under review with the Council of Europe.

[21] Article 163 of the Criminal Code of Azerbaijan and the Protection of the Professional Activities of Journalist Act of Uzbekistan.

journalists performing their professional duties by including journalists in a group of persons significant in the field of public information (see A/HRC/24/23, para. 22). The Polish Press Act makes it punishable to hinder the gathering of critical press material or to suppress press criticism in any way. In Tunisia, Decree 115 of 2011 guarantees the protection of journalists from harassment.

36. Austria noted that it had amended its Military Service Act to implement article 79 of Additional Protocol I to the Geneva Conventions, and that, as at 1 January 2014, its Ministry of Defence issues identity cards for journalists on dangerous professional missions, attesting their status as journalists (civilians).

2. Initiatives to combat impunity

37. In their responses, several States reported specific initiatives undertaken to ensure the investigation and prosecution of threats and attacks against journalists and media workers. Mexico stated that it had created a special prosecutor's office for crimes against the freedom of expression, with the authority to direct, coordinate and supervise investigations, and where appropriate, prosecute crimes committed against journalists. The office is also involved in the systematization of information regarding attacks against journalists. Guatemala created a special unit on crimes against journalists in the Public Prosecutor's Office. In Colombia, a subunit was established in the Public Prosecutor's Office to conduct investigations into crimes against journalists. Colombia also reported that in 2010 it had extended the statute of limitations in the case of murder of journalists to 30 years, and made murder, kidnapping and threats directed against journalists an aggravating circumstance. Brazil stated that it intended to implement the recommendations made in a report of its National Human Rights Council working group on the human rights of media professionals, including the establishment, in partnership with the United Nations, of an "observatory on violence against media professionals", managed by a tripartite steering committee composed of civil society, relevant government entities and the United Nations. The observatory is to register cases of violence against media workers and monitor their resolution (see A/HRC/27/35, para. 46).

38. Serbia noted that it had created a national commission to review the investigations of the killing in the 1990s of three prominent journalists (see A/HRC/24/23, para. 24). Pakistan stated that it had set up "high-powered" commissions to investigate allegations of intimidation and harassment. Morocco mentioned that it planned to create a coordination mechanism between the Ministry of Justice and the National Syndicate of the Moroccan Press that would be in charge of investigating attacks and cases of restrictions of which journalists are victim (see A/HRC/27/35, para. 46).

39. Some States also referred to specific strategies or instructions for the investigation of crimes against journalists. For example, the Public Prosecutor's Office of Colombia developed a set of strategies to investigate threats directed at journalists. Norway reported that its State Attorney had instructed the police to give harassment, threats and violence against media workers special priority. The Russian Federation reported that, in 2013, a series of additional measures had been developed to investigate crimes against journalists, including regarding inter-agency cooperation and regular exchange of information.

3. Protection initiatives

40. As for specific protection measures, Colombia reported that in 2011 it had created a national protection unit under the Ministry of Interior, which brings together previously separate protection schemes for judges, prosecutors, witnesses, human rights defenders, displaced persons, journalists and others. The Unit's Risk Evaluation Committee, an interinstitutional committee, evaluates whether a person needs protection and decides the relevant protective measures. As of June 2014, the Unit, which has been in direct contact with civil society organizations, has provided protection to 112 journalists and media workers. Mexico stated that its Law on the Protection of Human Rights Defenders and Journalists of 2012 created mechanisms to increase cooperation between federal and state agencies and civil society to implement measures to protect human rights defenders and journalists. The Law also established a fund for the protection of human rights defenders and journalists, which provides funding for urgent and preventive measures. An early warning system has the purpose of providing journalists with immediate access to the authorities if threatened.

41. Guatemala noted that a division of its National Police provides protection to persons at risk, including journalists. In August 2013, the President of Guatemala also launched a journalists' protection plan, which provides for preventive measures. In Italy, the Ministry of Interior established a central bureau of inter-forces for personal security, which is tasked to protect journalists and their relatives who are exposed to danger or threat, potential or actual (ibid., para. 47). The Russian Federation stated that the Federal Service for Supervision of Communications, Information Technology and Mass Media operated a hotline on its website. All information received on violations of rights of journalists is transmitted to law enforcement agencies. Honduras reported that its Human Rights Action Plan encompassed a specific protection component for journalists and other human rights defenders. It has prepared a draft law, which provided for the creation of a national council for the protection of human rights defenders, journalists, "social communicators" and justice officials. The council would be a steering, deliberative and advisory organ designed to guarantee and implement the rights set out in the law and to advise the Office of the President regarding the protection of the groups covered under the law. It further provided for the establishment of a protection unit attached to the Office of the Minister of Security, which will be responsible for implementing preventive and urgent protection measures.

42. Montenegro noted that the police performed risk assessments for all media employees and their family members who had been subjected to threats, after which protective measures, including police protection, may be provided. In addition, checks were conducted on persons registered as having committed assaults against journalists (see A/HRC/24/23, para. 27).

43. Argentina stated that, in accordance with resolution 210/2011 of the Ministry of Security, it had created a working group tasked to prepare protocols for security forces acting in demonstrations. According to the resolution, security forces must respect, protect and guarantee the work of journalists, who cannot be harassed, detained or transferred for the mere fact of carrying out their jobs during demonstrations. The Russian Federation referred to a memorandum of 2008 on the principles of interaction between mass media and law enforcement bodies during

mass and public events in Moscow, signed by the main departments of the Ministry of Interior of Moscow and the Union of Journalists of Moscow.

4. Advocacy, training and awareness-raising initiatives

44. Preventive measures are crucial to strengthen the safety of journalists and media workers. These measures may include capacity-building of law enforcement officials and the judiciary on their role and responsibilities in ensuring the safety of journalists; training for journalists on how to protect themselves; general awareness-raising campaigns to promote a culture of respect for freedom of expression and freedom of the media; establishing effective mechanisms of cooperation between State agencies and civil society organizations; and so forth.

45. In their submissions, several States reported on their support for prizes and awards that recognize contributions to the freedom of expression and journalism, and on special observance days and campaigns that highlight the vital role of journalism and a free press. Several States also provided information on declarations and press statements recognizing the work of journalists, and publicly condemning attacks against them, as well as on conferences and events held in relation to freedom of expression and the safety of journalists. For example, Austria, Poland and Switzerland organized an international conference on the safety of journalists, in Warsaw in 2013. Trinidad and Tobago referred to the International Press Institute World Congress that it hosted in 2012. Tunisia mentioned the World Press Freedom Day 2012 conference that it hosted.

46. Luxembourg pointed out that its lawyers and magistrates receive training on the rights of journalists and media workers as part of their education, and that its basic courses for police officers contained modules on human rights and the rights and responsibilities of civil servants. The Russian Federation stated that it had held training sessions for journalists and media workers on working in crisis situations. Georgia reported that, in cooperation with United States Agency for International Development and OSCE, it provided training to media professionals and the police to enhance the safety of journalists, including during public demonstrations (ibid., para. 28).

47. Norway reported that the Norwegian Union of Journalists and the Association of Norwegian Editors had conducted a survey on harassment, threats and violence against media workers, how Norwegian newsrooms dealt with such acts, and the level of investigation and prosecution of such cases. This resulted in the production and distribution of a leaflet to all media and newsrooms with advice on how to handle threats and violence.

V. Conclusions and recommendations

48. **The Secretary-General is deeply concerned about the upward trend in the number of journalists killed in recent years, and the increased targeting of journalists and media workers to silence them. The Secretary-General calls upon States to systematically condemn all harassment, intimidation and violence against journalists and media workers.**

49. **States must take all possible measures to close the gap that exists between international standards for the protection of journalists, as reflected in**

international human rights and international humanitarian law, and the actual implementation of those standards domestically.

50. The Secretary-General notes with grave concern that impunity for attacks against journalists remains the biggest obstacle to effectively ensuring the safety of journalists. It is therefore imperative that States ensure that investigations into threats and attacks are conducted effectively, promptly, thoroughly, independently and impartially, and that prosecutions are brought where supported by evidence. They must also provide remedies to victims.

51. The Secretary-General welcomes measures taken by States to ensure the safety of journalists and media workers, and to uphold the right to freedom of expression. States should do their utmost to establish an enabling environment for journalists and media workers, so that they can fulfil their role effectively and without undue interference. This requires fostering a general culture of respect for human rights, the rule of law and democracy.

52. States should ensure that the right to freedom of expression, and the safety of journalists as a component thereof, is integrated into the post-2015 development agenda. Ensuring the freedom of expression and the safety of journalists is an integral part of broader justice reforms and rule of law initiatives.

53. States should continue to share, examine, reinforce and replicate good practices in ensuring the safety of journalists and media workers, where appropriate, with the support of United Nations field presences. Several studies and reports (e.g., A/HRC/24/23 and A/HRC/27/35) have provided a compilation of such good practices, notably in the areas of political commitment, legislative framework, prevention and awareness, early warning and protection and combating impunity.

54. The Secretary-General strongly encourages States to take the opportunity of the International Day to End Impunity for Crimes against Journalists (2 November) to raise awareness regarding the issue of safety of journalists and launch concrete initiatives aimed at combating impunity for attacks against journalists and media workers.

55. States are encouraged to fully cooperate with the specific mechanisms and initiatives for the safety and protection of journalists and media workers created by regional organizations. Where it does not exist, States should consider establishing a regional mandate on freedom of expression and the safety of journalists. Regional organizations and mechanisms are encouraged to develop specific guidelines on the safety of journalists and media workers.

56. The United Nations human rights system is encouraged to continue focusing on the safety and protection of journalists. Relevant human rights treaty bodies and special procedures are called upon to pay systematic attention to the issue. The universal periodic review provides a unique opportunity to engage with States on the freedom of expression and the safety of journalists and media workers.

57. United Nations peacekeeping and special political missions are encouraged to pay particular attention to the issue of the safety of journalists and media workers in the context of their protection of civilians mandates.

58. **UNESCO has played an important role in coordinating United Nations action with regard to the issue of the safety of journalists, including by spearheading the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity. States and regional organizations are encouraged to continue working with UNESCO and support the Plan.**